

Fill in this information to identify the case:

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (if known): \_\_\_\_\_ Chapter \_\_\_\_\_

☐ Check if this is an amended filing

Official Form 205

**Involuntary Petition Against a Non-Individual**

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

**Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed**

1. Chapter of the Bankruptcy Code

Check one:

- ☒ Chapter 7  
☐ Chapter 11

**Part 2: Identify the Debtor**

2. Debtor's name

EMC Bronxville Metropolitan LLC

3. Other names you know the debtor has used in the last 8 years

Metloft Bronxville, LLC

Include any assumed names, trade names, or doing business as names.

4. Debtor's federal Employer Identification Number (EIN)

☐ Unknown

47-1591372  
EIN

5. Debtor's address

Principal place of business

Mailing address, if different

759 Palmer Road

Number Street

Number Street

Bronxville

NY 10708

City

State ZIP Code

P.O. Box

City State ZIP Code

Location of principal assets, if different from principal place of business

Westchester

County

Number Street

City State ZIP Code

Debtor EMC Bronxville Metropolitan LLC  
Name

Case number (if known) \_\_\_\_\_

6. Debtor's website (URL) \_\_\_\_\_

7. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other type of debtor. Specify: \_\_\_\_\_

8. Type of debtor's business

Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☐ None of the types of business listed.  
☐ Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?

☐ No

☒ Yes. Debtor

EMC Hotels and Resorts LLC

Relationship

Same Member

District

SDNY

Date filed

06/16/2018

Case number, if known

18-22932

MM / DD / YYYY

Debtor \_\_\_\_\_

Relationship \_\_\_\_\_

District \_\_\_\_\_

Date filed \_\_\_\_\_

MM / DD / YYYY

Case number, if known \_\_\_\_\_

**Part 3: Report About the Case**

10. Venue

Check one:

- ☐ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.  
☒ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).

The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

- ☒ The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.  
☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

☒ No

☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).



Debtor EMC Bronxville Metropolitan LLC  
Name

Case number (if known) \_\_\_\_\_

13. Each petitioner's claim

Name of petitioner

Nature of petitioner's claim

Amount of the claim  
above the value of  
any lien

Thomas E Haynes Architect

Services

\$ 45,000

Werner E. Tietjen, PE

Services

\$ 86,677.65

Hall Heating & Cooling Service Inc.

Services

\$ 70,000

Total of petitioners' claims

\$ 201,677.65

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

Part 4: Request for Relief

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative

Name and mailing address of petitioner

Thomas E Haynes Architect

Name

570 Yonkers Avenue

Number Street

Yonkers

NY

10704

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6 22 2018  
MM / DD / YYYY

Signature of petitioner or representative, including representative's title

Attorneys

Joseph E. Sarachek

Printed name

The Sarachek Law Firm

Firm name, if any

101 Park Avenue, 27<sup>th</sup> Floor

Number Street

New York

NY

10178

City

State

ZIP Code

Contact phone

212-808-7881

Email joe@saracheklawfirm.com

Bar number

9163228

State

NY

x

Signature of attorney

Date signed

6 22 2018  
MM / DD / YYYY



Debtor EMC Bronxville Metropolitan LLC  
Name

Case number (if known) \_\_\_\_\_

Name and mailing address of petitioner

Werner E. Tietjen, PE

Name

60 Purchase Street

Number Street

Rye

NY

10580

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

06 21 2018  
MM / DD / YYYY

x

Signature of petitioner or representative, including representative's title

Name and mailing address of petitioner

Hall Heating & Cooling Service Inc.

Name

15 Home Street

Number Street

White Plains

NY

10606

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

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